

# Notice of Allowability

Application No.

09/931,187

Examiner

Jalatee Worjloh

Applicant(s)

MERSKY ET AL.

Art Unit

3621

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment 5-17-07.
2. ☒ The allowed claim(s) is/are 1-63.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JALATEE WORJLOH  
PRIMARY EXAMINER

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1. Claims 1-63 are allowed.

*Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance:

Regarding the claimed terms, the Examiner notes that a "general term must be understood in the context in which the inventor presents it." *In re Glaug* 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1- 19 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term "is susceptible to various meanings, . . . the inventor's lexicography must prevail . . . ." *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

3. The closest prior art of record is US Publication no. 2002/0069166 to Moreau et al. ("Moreau")

4. Moreau discloses a system and method for facilitating buying and selling of products and services. In Moreau discloses a merchant who offers products or services to customers may provide its customers an option to pay for the products and services to a collection agent selected by the customer. The collection agent who receives the payments from the customers, in turn, may forward them to the merchant or a facilitator. However, Moreau does not teach at least a transaction information module configured to examine said accessed web site to determine information required by said accessed web site to conduct said customer selected transaction and to transmit an information request to said agent processor requesting a portion of said required information, the portion of the required information not including customer financial account information and a transaction performance module configured to receive said customer transaction information transmitted without any customer financial account information from

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said agent processor in response to said information request and to transmit said required information portion and payment information associated with said service provider to said particular provider processing system in order to tender payment over said network for said customer to complete said transaction in response to said manual tender of said customer payment indicated within said received customer transaction information as recited in independent claims 1 and 22; examining said accessed web site to determine information required by said accessed web site to conduct said customer selected transaction and to transmit an information request to said agent processor requesting a portion of said required information, the portion of the required information not including customer financial account information and receiving said customer transaction transmitted without customer financial account information from said agent processor in response to said information request and transmitting said required information portion and payment information associated with said service provider to said particular provider processing system in order for said service provider to tender payment over said network for said customer to complete said transaction with said particular provider processing system in response to said manual tender of said customer payment indicated within said received transaction information as recited in independent claim 30, transaction information means configured to examine said accessed web site to determine information required by said web network site to conduct said customer selected transaction to transmit an information request to said agent processing means requesting a portion of said required information, the portion of the required information not including customer financial account information, and transaction performance means configured to receive said customer transaction information transmitted without any customer financial account information from said agent processing

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means in response to said information request and to transmit said required information portion and payment information associated with said service provider to said particular provider processing system in order for said service provider to tender payment over said network for said customer to complete said transaction with said particular provider processing system in response to said manual tender of said customer payment indicated within said received customer transaction information as recited in independent claim 50. Moreover, the missing claimed element from Moreau is not found in a reasonable number of reference(s). Yet even if the missing claimed element was found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would *not* have been motivated to include this missing element in an embodiment in the Moreau disclosure because most systems requires customer financial account information during transactions.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 571-272-6714. The examiner can normally be reached on Monday - Friday 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jaltee Worjloh  
Primary Examiner  
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July 19, 2007